

REMARKS

Claims 1 – 5, 7 and 16 – 20, and 22 have been canceled. Claims 31 – 44 have been added. Claims 8 – 15 and 22 – 30 were previously withdrawn. Hence, claims 31 – 44 are pending examination in the application.

Claims 1 – 5, 7, 16 – 20 and 22 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The basis for the rejection was the use of the phrases "may be" and "can". The rejected claims have been canceled and hence the rejection is moot. Further, the use of these phrases has been avoided in the new claims pending examination.

Claims 1 – 6 and 16 – 21 are rejected under 35 USC 102(b) as being anticipated U.S. Patent No. 5,454,108, herein after Devarakonda. This rejection has been rendered moot because these claims have been canceled.

Claims 7 and 22 are rejected under 35 U.S.C. 103(a) based on Devarakonda and further in view of U.S. Patent No. 5,285,528, hereinafter Hart. This rejection has been rendered moot because these claims have been canceled.

Supporting Embodiments

The Examiner has requested that Applicant identify support in the specification pertinent to limitations that are argued to overcome rejections. Accordingly, a description of an embodiment supporting such pertinent limitations can be found as follows.

Claim 31: page 14, line 24 – page 15, line 14.

Claims 32, 33 and 34: – page 15, line 3 – line 14.

Claim 35: page line 24 – 25.

Claim 36 and 37: page 17, lines 14 – 17.

Claim 31 and 38

Claims 31 and 38, recite:

[a] response that denies said request for a certain lock on said first resource is caused by a blocking condition;
wherein said response includes data that identifies a second resource different than said first resource;
said requester determining said blocking condition is no longer in effect by performing certain steps that include:
said requester transmitting to said lock management system a request for a lock on said second resource; and
said requester receiving from said lock management system a response that grants said request for said lock on said second resource.

Thus, claims 31 and 38, require:

- (1) the response that denies a request for a lock on a first resource identifies a second resource, different than the first resource, for which a lock is to be requested, and
- (2) requesting the lock on the second resource to determine that the blocking condition should no longer cause denial of a request for a lock on the resource.

The combination of the above highlighted features is not disclosed or suggested by the cited art.

A basis for the rejection of canceled claims 1 and 16 is a correlation drawn by the Office Action between a lock for resources in claims 1 and 16 and the tokens for resources in Devarakonda. For claims 31 and 38, it is assumed that the Office would also correlate a request for a lock on a resource to a request for a token for the resource. Assuming these correlations are true, Devarakonda fails to disclose or suggest in any way the above highlighted way of responding to a denial for a request for a lock.

The following passage is an example of Devarakonda's teachings about responding to a denial for a token

"However, if there are conflicting tokens, then the lock control server 112 responds with a NOT OK message and a list (a "copyset") of the local lock managers with conflicting tokens....If, in response to an ACQUIRE or UPGRADE request, a NOT OK message is received from the LCS, the response analysis block 914 signals the LLM downgrade/revoke request generator block 916. The LLM downgrade/revoke request generator block 916 sends a revoke/downgrade message to all LLMs in the copyset supplied by the LCS." (col. 4, lines 30 – 47, see also Abstract, Summary of Invention).

In Devarakonda, in response to denial of a request for a token for a requested resource ("denied resource"), a lock manager receives a list of local lock managers holding a conflicting token, and for each, sends a downgrade/revoke message for the conflicting token. A revoke request is a request to surrender a token that covers a file. A downgrade request is a request to downgrade a token that covers a file. (See col. 9, lines 50 – 66)

These teachings of Devarakonda do not disclose or suggest in any way the features of claims 31 and 38 highlighted above. A response denying a request for a lock on a requested resource, where the response entails a list of entities that already hold a token that covers the denied resource and to which downgrade/revoke messages for the denied resource are sent, fails to disclose or suggest in any way a response that entails a message that identifies another resource, different than the originally denied resource, for which a lock request is to be made. The list of entities are a list of entities to which to send a downgrade/revoke message for the denied resource, and are not a list of resources for which a lock is ever requested. Further, the downgrade/revoke message sent to the LLMs are requests for them to downgrade or relinquish a token, but are not a request for

token or lock, much less a request for a lock on resource different than the originally denied resource.

Based on the foregoing, the cited art fails to disclose or suggest in anyway certain features of claims 31 and 38. Therefore, the cited art fails to disclose or suggest in anyway all the features of claims 31 and 38. Claims 31 and 38 are therefore patentable. Reconsideration and allowance of claims 31 and 38 is respectfully requested.

Remaining Pending Claims

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

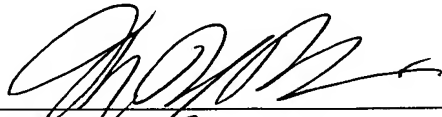
For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: February 23, 2006



Marcel K. Bingham
Reg. No. 42,327

2055 Gateway Place, Suite 550
San Jose, CA 95110
Telephone No.: (408) 414-1080 ext.206
Facsimile No.: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on February 23, 2006

by


Jennifer Newell